



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. CALIFORNIA OCEAN  
PROTECTION COUNCIL**

**NOTICE OF INTENT TO ADOPT  
A CONFLICT-OF-INTEREST CODE  
BY THE CALIFORNIA OCEAN  
PROTECTION COUNCIL**

NOTICE IS HEREBY GIVEN that the California Ocean Protection Council, pursuant to the authority vested in it by section 87300 of the Government Code, proposes its Conflict-of-Interest Code.

The California Ocean Protection Council proposes to adopt its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. A written explanation of why each position was selected and the reasons for the disclosure categories is available upon request.

The council is tasked with the responsibility of coordinating activities of ocean-related state agencies to improve the effectiveness of state efforts to protect ocean resources (within existing fiscal limitations); establishing policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies; and recommending to the Governor and the Legislature changes in state and federal law and policy. Copies of the proposed code are available and may be requested from the Contact Person identified below.

Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than **April 11, 2006**, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person identified below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than **March 27, 2006**, by contacting the Contact Person.

All inquiries should be directed to:

Jonathon Gurish, Staff Counsel  
State Coastal Conservancy  
1330 Broadway, 11<sup>th</sup> Floor  
Oakland, CA 94612

Tel: (510) 873-6431  
Email: [jgurish@scc.ca.gov](mailto:jgurish@scc.ca.gov)

**TITLE 4. CALIFORNIA HORSE  
RACING BOARD**

**CALIFORNIA CODE OF REGULATIONS  
NOTICE OF PROPOSAL TO REPEAL  
RULE 1606. COUPLING OF HORSES  
RULE 1974. WAGERING INTEREST  
AND AMEND**

**RULE 1420. DEFINITIONS  
RULE 1954.1. PARLAY WAGERING ON WIN,  
PLACE OR SHOW  
RULE 1957. DAILY DOUBLE  
RULE 1959. SPECIAL QUINELLA (EXACTA)  
1976. UNLIMITED SWEEPSTAKES  
1976.8. PLACE PICK (N)  
1976.9. PICK (N) POOL  
1977. PICK THREE  
1978. SELECT FOUR  
1979. TRIFECTA  
1979.1. SUPERFECTA**

The California Horse Racing Board (Board) proposes to repeal two of the regulations described below and amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Board proposes to repeal Rule 1606, Coupling of Horses. The repeal of Rule 1606 will eliminate the practice of coupling horses as a single wagering interest and as an entry when the same person or persons owns them in whole or in part. In addition the Board proposes to repeal Rule 1974, Wagering Interest and place the definition of wagering interest in an amended Rule 1420, Definitions. The Board also proposes to amend pari-mutuel wagering rules that refer to coupling of horses and Rule 1974. The pari-mutuel regulations the Board proposes to amend are: Rule 1957, Daily Double; Rule 1959, Special Quinella (Exacta); Rule 1954.1, Parlay Wagering on Win, Place or Show; Rule 1976, Unlimited Sweepstakes; Rule 1976.8, Place Pick (n); Rule 1976.9, Pick (n) Pool; Rule 1977, Pick Three; Rule

1978, Select Four; Rule 1979, Trifecta and Rule 1979.1, Superfecta.

#### **PUBLIC HEARING**

The Board will hold a public hearing starting at **9:30 a.m., Thursday, April 27, 2006**, or as soon after that as business before the Board will permit, at the **Hollywood Park Race Track, 1050 South Prairie Avenue, Inglewood, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

#### **WRITTEN COMMENT PERIOD**

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on April 10, 2006**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
Fax: (916) 263-6042  
Email: [HaroldA@chrb.ca.gov](mailto:HaroldA@chrb.ca.gov)

#### **AUTHORITY AND REFERENCE**

Rule 1420: Authority Cited: Sections 19440, 19562 and 19563, Business and Professions (B&P) Code. Reference: Sections 19401(e) and 19420, B&P Code.

B&P Code Sections 19440, 19562 and 19563 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Sections 19401(e), and 19420, B&P Code.

Rule 1954.1: Authority Cited: Sections 19440 and 19590, B&P Code. Reference: Sections 19594 and 19597, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Sections 19594 and 19597, B&P Code.

Rules 1957, 1959, 1976, 1977, 1978, 1979 & 1979.1: Authority Cited: Sections 19440 and 19590, B&P Code. Reference: Section 19594, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulations, which would implement, interpret or make specific Section 19594, B&P Code.

Rules 1976.8 & 1976.9: Authority Cited: Sections 19440 and 19590, B&P Code. Reference: Sections 19593 and 19594, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulations, which would implement, interpret or make specific Section 19593 and 19594, B&P Code.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Business and Professions (B&P) Code Section 19401(e) states the purpose of B&P Code, Chapter 4, is to allow pari-mutuel wagering on horse races while providing uniformity of regulation for each type of horse racing. B&P Code Section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. B&P Code Section 19440 states the Board shall have all powers necessary and proper to enable it to carry out the purposes of Chapter 4, B&P Code. Responsibilities of the Board include adopting rules and regulations for the protection of the public and the control of horse racing with pari-mutuel wagering, and administration and enforcement of all laws, rules and regulations affecting horse racing and pari-mutuel wagering. B&P Code Section 19562 states the Board may prescribe rules, regulations and conditions, consistent with the provisions of Chapter 4, B&P Code, under which all horse races with wagering on their results shall be conducted in California. B&P Code Section 19563 states the Board may adopt any rules and regulations of the United States Trotting Association, not inconsistent with Chapter 4, B&P Code, for the regulation of harness racing. B&P Code Section 19590 provides that the Board shall adopt rules governing, permitting, and regulating pari-mutuel wagering on horse races under the system known as the pari-mutuel method of wagering. Pari-mutuel wagering shall be conducted only by a person licensed under Chapter 4 to conduct a horse racing meeting, and only within the enclosure and on the dates for which horse racing has been authorized by the Board. B&P Code Section 19593 states no method of betting, pool making, or wagering other than by the pari-mutuel method shall be permitted or used by any person licensed under this chapter to conduct a horse racing meeting. B&P Code Section 19594 states any person within the inclosure where a horse racing meeting is authorized may wager on the result of a horse race

held at that meeting by contributing his money to the pari-mutuel pool operated by the licensee under Chapter 4, B&P Code. B&P Code Section 19597 provides that a person licensed under Chapter 4 to conduct a horse racing meeting shall, as to any payment made to a person who has wagered by contributing to a pari-mutuel pool operated by such licensee, also deduct the applicable breakage, as defined by Section 19405.

If the same person or persons have ownership interest in two or more horses entered in a race, the Board requires the coupling of such horses as a single wagering interest and as an entry. A wager on a coupled entry includes every horse in the wagering interest, so the wager remains valid if one horse is declared or withdrawn. The patron who has wagered on such an entry is left with a wager on the remaining horse. This practice can leave a patron who has made a multiple race wager with a wager they cannot cancel, and a horse he might not have selected if it had been a single wagering interest. A number of patrons consider this practice "unfair" and would rather see their wagers canceled. After considering alternatives, the Board proposes to repeal Rule 1606, Coupling of Horses. This would have the effect ending the practice of coupling horses. Patrons would no longer have the risk of being stuck with a wager they would not have made because the horse they were wagering on was declared or withdrawn from the entry. Instead, patrons would make wagering decisions with all available information, including the knowledge that the same person or persons own more than one horse in the field, as information regarding the ownership of a horse is printed in the official program.

The proposed repeal of Rule 1606 will affect other Board regulations. Rule 1974 provides a definition of wagering interest. If coupling were eliminated, a wagering interest would then be defined as "any one horse entered in a race." The Board believes this makes Rule 1974 unnecessary, and the single sentence definition of wagering interest can be added to Rule 1420, Definitions; therefore, the Board proposes to amend Rule 1420 to add a new Subsection 1420(aa), which will provide a definition of wagering interest. Board rules authorizing specific types of pari-mutuel wagers have subsections that address an entry of coupled horses or horses coupled to constitute the field. In addition, many of the same rules reference Rule 1974. To accommodate the repeal of Rule 1606 and Rule 1974, the Board proposes to amend Rule 1957, Daily Double; Rule 1959, Special Quinella (Exacta); Rule 1954.1, Parlay Wagering on Win, Place or Show; Rule 1976, Unlimited Sweepstakes; Rule 1976.8, Place Pick (n); Rule 1976.9, Pick (n) Pool; Rule 1977, Pick Three; Rule 1978, Select Four; Rule 1979, Trifecta and Rule 1979.1, Superfecta. The proposed amendment to these rules will eliminate references to coupling of horses and Rule 1974. In addition,

the proposed amendments will reorganize subsections, correct grammar, and make other changes for purposes of clarity.

## DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed repeal of Rule 1606 and Rule 1974, and the amendment of Rules 1402; 1957; 1959; 1954.1; 1976; 1976.8; 1976.9; 1977; 1978; 1979 and 1979.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed repeal of Rule 1606 and Rule 1974, and the amendment of Rules 1402; 1957; 1959; 1954.1; 1976; 1976.8; 1976.9; 1977; 1978; 1979 and 1979.1 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposed repeal of Rule 1606 and Rule 1974, and the amendment of Rules 1402; 1957; 1959; 1954.1; 1976; 1976.8; 1976.9; 1977; 1978; 1979 and 1979.1 does not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. Rule 1606 and Rule 1974 address coupling of horses and the definition of wagering interest. Rules 1402; 1957; 1959; 1954.1; 1976; 1976.8; 1976.9; 1977; 1978; 1979 and 1979.1 authorize specific types of pari-mutuel wagering in California.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative that is considered, or that



has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### **CONTACT PERSONS**

Inquiries concerning the substance of the proposed action and requests for copies of the proposed texts of the regulations, the initial statement of reasons, the modified texts of the regulations, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-Mail: [HaroldA@chrb.ca.gov](mailto:HaroldA@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Pat Noble, Regulation Analyst  
Telephone: (916) 263-6033  
Email: [PatN@chrb.ca.gov](mailto:PatN@chrb.ca.gov)

#### **AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION**

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed texts of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternate contact person at the address, phone number or e-mail address listed above.

#### **AVAILABILITY OF MODIFIED TEXT**

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed texts, the modified texts — with changes clearly marked — shall be

made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### **AVAILABILITY OF FINAL STATEMENT OF REASONS**

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulations in their current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

#### **BOARD WEB ACCESS**

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulations, and the initial statement of reasons. The Board's Internet address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

### **TITLE 4. CALIFORNIA HORSE RACING BOARD**

#### **CALIFORNIA CODE OF REGULATIONS**

#### **NOTICE OF PROPOSAL TO AMEND RULE 1472. RAIL CONSTRUCTION AND TRACK SPECIFICATIONS**

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

#### **PROPOSED REGULATORY ACTION**

The Board proposes to amend Rule 1472. Rail Construction and Track Specifications. The proposed amendment would exempt synthetic and polymer or wax-coated sand track surfaces from the cross-slope requirements for straight-aways and turns as provided in Subsection (1)(1)(2) of Rule 1472.

#### **PUBLIC HEARING**

The Board will hold a public hearing starting at **9:30 a.m., Thursday, April 27, 2006**, or as soon after that as

business before the Board will permit, at the **Hollywood Park Racetrack, 1050 South Prairie Avenue, Inglewood, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on April 10, 2006**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6397  
Fax: (916) 263-6042  
E-Mail: [harolda@chrb.ca.gov](mailto:harolda@chrb.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19440, Business and Professions (B&P) Code. Reference: Section 19481, B&P Code.

B&P Code Sections 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Section 19481, B&P Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19420 states jurisdiction and supervision over meetings in California where horse races with wagering on their results are held, and over all persons or things having to do with the operation of such meetings, is vested in the Board. B&P Section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. B&P Code Section 19481 provides that in performing its responsibilities, the Board shall establish safety standards governing the uniformity and content of the track base

and racing surface, and other track facilities to improve the safety of horses, riders, and workers at the racetrack.

Safety at racetrack facilities is an ongoing concern of the Board. An important component of the Board's safety program is the condition of the racetrack. In California, every racetrack has a dirt track, and a number of racetracks also have a turf course. Such tracks require constant maintenance to maintain consistency in the surface from day to day. In addition, organic tracks are affected by weather, which can cause track conditions to change from morning to afternoon. The inconsistency in organic racetracks is seen as a major reason for injuries and breakdowns in racehorses. This is also a concern for jockeys and other racing participants, who face the possibility of serious injury when a horse goes wrong or breaks down when training or during a race. California trainers recently raised concerns about the quality of this state's organic racetracks. The track safety committee of California Thoroughbred Trainers reported that injuries to racehorses are seriously depleting the racing population in California, which is reflected in increasingly smaller fields. California has become a less desirable place to race because racing surfaces contribute to injuries and breakdowns. While the Board and the industry have an ongoing commitment to work towards making the state's organic racetracks safer in the short term, a long-term solution is seen in synthetic racetrack surfaces. Several of California's racing associations have initiated plans to replace their dirt tracks with synthetic surfaces. These synthetic surfaces are currently in use in Europe and in some parts of the United States and have demonstrated a safety record that is believed by many to be superior to traditional dirt tracks. The Board has encouraged California racing associations to explore alternatives to organic dirt racetracks; however, Rule 1472 currently provides requirements for the cross slope of the straight-aways and curves of dirt racetracks to provide for drainage. The synthetic track surfaces racing associations propose to install have sophisticated drainage systems and do not require any slope. To accommodate the installation of synthetic racetrack surfaces, the Board proposes to amend Rule 1472 to provide an exemption for synthetic and polymer or wax-coated sand track surfaces from the cross slope requirements for straight-aways and turns provided in Subsection (1)(1)(2) of Rule 1472. No specifications regarding slope and drainage for synthetic track surfaces have been proposed as the installation of a synthetic surface tends to be tailored to the environmental requirements of each track. In addition, there are multiple types of synthetic racetrack surfaces, and the Board anticipates additional products will be introduced in the future.

The Board also proposes to modify Subsection 1472(1) to remove the requirement that a written certifi-

cation regarding certain racetrack conditions be provided by racing associations. The subsection requires the certifications be made by a Land Surveyor or Registered Civil Engineer licensed by the State of California, Board of Registration for Professional Engineers and Land Surveyors; however, it has been determined that after the installation of grade marks and receipt of the initial certifications, continuing the requirement was burdensome and unnecessary. The nature of organic track surfaces are such that maintenance is an ongoing concern, and is closely monitored by the associations and the horsemen's organizations.

#### **DISCLOSURE REGARDING THE PROPOSED ACTION**

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1472 will not have a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1472 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1472 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

#### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as

effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

#### **CONTACT PERSON**

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-mail: [harolda@chrb.ca.gov](mailto:harolda@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Pat Noble, Regulation Analyst  
Telephone: (916) 263-6033

#### **AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION**

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

#### **AVAILABILITY OF MODIFIED TEXT**

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.



## AVAILABILITY OF STATEMENT OF REASONS:

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

## BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## TITLE 13. DEPARTMENT OF MOTOR VEHICLES

### NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt Sections 85.00, 85.02, 85.04, 85.06 and 85.08, in Chapter 1, Division 1, Article 2.3, of Title 13, California Code of Regulations, to implement the mandatory electronic insurance reporting program.

### PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

### DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on *April 10, 2006*, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

## AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Sections 4000.38 and 16058 of the Vehicle Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 4000.38, as amended by SB 1500 (Chapter 920, Stats 2004), requires the department to suspend, cancel or revoke the registration of a vehicle under specified conditions when the department has not received evidence of financial responsibility for the vehicle, effective January 1, 2006.

Prior to suspending, canceling or revoking the registration, the department is required to provide the vehicle's registered owner with notice of its intent, and allow the registered owner a sufficient period of time to provide evidence of financial responsibility or establish that the vehicle is not being operated. Statute allows the department to determine a reinstatement fee based on cost sufficient to pay for the reissuance of the vehicle registration.

Vehicle Code section 16058, added by SB 1500, requires insurers to electronically report the insurance information. The regulations specify the standards for the transmittal and the time frames required to report the information to the department or its agent.

The department proposes to adopt Sections 85.00, 85.02, 85.04, 85.06 and 85.08, in Article 2.3 of Title 13 of the California Code of Regulations, to specify the requirements for electronic insurance reporting.

**§85.00 Definitions.** Section 85.00 would identify terms used within these regulations.

**§85.02 Registration Suspension.** Section 85.02 would clarify that the vehicle registration will be suspended rather than revoked or cancelled, and identify the time frames before the suspension would take effect.

**§85.04 Alternative Procedure for Electronic Insurance Reporting.** Section 85.04 would identify the various acceptable documents to reinstate vehicle registration.

**§85.06 Registration Reinstatement.** Section 85.06 would provide the procedure and the fee amount to reinstate a suspended vehicle registration.

**§85.08 Insurance Company Reporting Requirements.** Section 85.08 would inform the insurance companies of the format required to electronically interface with the department or its agent and the frequency to report to the department or its agent.

DOCUMENTS INCORPORATED  
BY REFERENCE

There are no documents to be incorporated by reference for this regulatory action.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Any costs that would be incurred would be the result of noncompliance with California's financial responsibility laws. Insurance companies are statutorily mandated to provide information on insurance policies subject to Vehicle Code section 16058 and provide that information electronically.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in support of this proposal.
- The adoption of this regulatory action will neither create nor eliminate jobs or create businesses in the state of California, will not result in the elimination of existing businesses, and will not reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses because the proposed regulatory action clarifies the requirements of Vehicle Code sections 4000.38 and 16058. Compliance with financial responsibility laws has been a long-standing requirement in California.

PUBLIC DISCUSSIONS OF PROPOSED  
REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or [cpatrick@dmv.ca.gov](mailto:cpatrick@dmv.ca.gov). In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or email [dbaity@dmv.ca.gov](mailto:dbaity@dmv.ca.gov). The fax number for the Regulations Branch is (916) 657-1204. When submitting comments by email, the subject line should read "Comments on the Electronic Insurance Reporting Program Regulations".

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons and Express Terms) may be accessed at [www.dmv.ca.gov/about/lad/regactions.htm](http://www.dmv.ca.gov/about/lad/regactions.htm).

## AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

## TITLE 13. NEW MOTOR VEHICLE BOARD

### NOTICE OF PROPOSED ACTION

**NOTICE IS HEREBY GIVEN** that the New Motor Vehicle Board of the State of California ("Board"), pursuant to the authority vested in it by section 3050, subdivision (a) of the Vehicle Code, proposes to amend sections 551.11, and 551.12, and add section 550.20 of Title 13 of the California Code of Regulations in order to define terms and modify procedural matters before the Board.

### PROPOSED REGULATORY ACTION

The Board proposes to amend sections 551.11, and 551.12, and add section 550.20 after consideration of all comments, objections, and recommendations regarding the proposed action.

### PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the Board considered the proposed text of the regulations at a noticed meeting held on January 26, 2006. Ten days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulations was mailed to the Board's Public Mailing List, a list of approximately 150 individuals, entities and governmental agencies who have requested notification by the Board of pending Board matters. No comments by the public were received at the January 26, 2006, General Meeting, and no further public discussions were held prior to publication of the notice.

## PUBLIC HEARING

A public hearing is not scheduled, however, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Board no later than 15 days prior to the close of the written comment period.

### WRITTEN COMMENT PERIOD

Any person interested may present statements or arguments in writing via U.S. Postal Service mail, facsimile or electronic mail, relevant to the proposed amendments to the agency officer named below at the address identified below on or before 5:00 p.m. on April 10, 2006. The Board will consider only comments received at the Board offices by that time. Submit comments to:

Howard Weinberg, General Counsel  
New Motor Vehicle Board  
1507 21st Street, Suite 330  
Sacramento, CA 95814  
(916) 445-2080  
Fax: (916) 323-1632  
E-mail: [howard-w@pacbell.net](mailto:howard-w@pacbell.net)

The official record of the rulemaking procedure will be closed at 5:00 p.m. following the conclusion of the public comment period on April 10, 2006. Written comments received after 5:00 p.m. on April 10, 2006, will not be considered unless an extension of time in which to receive written comments is announced at a public hearing, if one is requested.

### AUTHORITY AND REFERENCE

Authority cited: Authority cited: Section 3050(a), Vehicle Code. Reference: Section 17, Civil Code, Sections 3050.4, and 3066, Vehicle Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 3050, subdivision (a) authorizes the Board to adopt rules and regulations governing such matters as are specifically committed to it.

It is the mission and vision of the Board, as adopted by its members, to: resolve disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner; safeguard for the Board's constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes which ultimately improves relations and reduces the need for costly litigation; and, develop methods that further improve the delivery of Board services in a timely and cost-effective manner.

The Board proposes to amend sections 550, 551.11, and 551.12, and add section 550.20 of the regulations contained in Title 13 of the California Code of Regulations to in order define terms and modify procedural matters before the Board.

#### **DISCLOSURES REGARDING THE PROPOSED ACTION**

The Board has made the following determinations:

##### **EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendments will have no effect on small businesses. This determination was made because no small businesses are legally required to comply with the regulation, are legally required to enforce the regulation, or derive a benefit from or incur an obligation from the enforcement of the regulation.

##### **LOCAL MANDATE**

The proposed regulatory action does not impose a mandate on local agencies or school districts.

##### **FISCAL IMPACT STATEMENT**

The proposed regulatory action imposes (1) no cost or savings to any state agency; (2) no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; (3) no other non discretionary cost or savings to local agencies; and (4) no costs or savings in federal funding to the state.

##### **EFFECT ON BUSINESSES**

The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in making this determination.

##### **POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

There will be no cost impact of the proposed regulatory action on directly affected private persons. The Board expects no cost impact on directly affected businesses. The Board is not aware of any cost impacts that a representative private person or business would neces-

sarily incur in reasonable compliance with the proposed action.

#### **ASSESSMENT REGARDING THE EFFECT ON JOBS/BUSINESSES**

The adoption of this regulation will neither create nor eliminate jobs or businesses in the State of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the State of California.

##### **EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no impact on housing costs.

##### **EFFECT ON FEDERAL LAW**

The proposed regulatory action will not duplicate or conflict with any federal law.

##### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

At the January 26, 2006, General meeting, wherein the Board preliminarily adopted the proposed regulatory text, no other alternatives were considered. However, the submission of written and oral comments was invited. If any written or oral comments were received, the full Board would consider the comments and reconsider the text of the proposed rulemaking. Lastly, if the staff decided that modifications to the proposed text were necessary, the Board would consider those modifications at a noticed meeting. If there were no written or oral comments received, then the rulemaking process will proceed without further Board involvement.

##### **CONTACT PERSON/BACKUP CONTACT PERSON**

Please direct inquiries concerning the substance of the proposed action, requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to:



Howard Weinberg, General Counsel  
New Motor Vehicle Board  
1507 21st Street, Suite 330  
Sacramento, CA 95814  
Telephone: (916) 445-2080  
[Howard-w@pacbell.net](mailto:Howard-w@pacbell.net)

In the event the Contact Person is not available, inquiries concerning the substance of the proposed action, requests for copies of the proposed text (the “express terms”) of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based may be directed to the following Backup Contact Person:

Robin Parker, Senior Staff Counsel  
New Motor Vehicle Board  
1507 21st Street, Suite 330  
Sacramento, CA 95814  
Telephone: (916) 445-2080

#### AVAILABILITY OF INFORMATION VIA THE INTERNET

Information regarding the proposed amendments may be obtained from the Board’s website: [www.nmvb.ca.gov](http://www.nmvb.ca.gov).

#### STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The express terms of the proposed action are written in plain English and are available from the contact person named in this notice. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline to indicate additions, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and the location of public records, including reports, documentation, and other materials, related to the proposed action.

#### AVAILABILITY OF MODIFIED TEXT

Following the written comment period and public hearing, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with

changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Board adopts the resulting regulation. Requests for copies of a modified regulation should be addressed to the Board contact person identified in this notice. The Board will accept written comments on the modified regulation for 15 days after the date on which it is first made available to the public.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons may be directed to the Contact Person or the Backup Contact Person listed in this notice, or may be obtained from the Board’s website: [www.nmvb.ca.gov](http://www.nmvb.ca.gov), or emailing the Board at [nmvb@pacbell.net](mailto:nmvb@pacbell.net).

### TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

#### California Code of Regulations Crime Prevention and Corrections

**NOTICE IS HEREBY GIVEN** that the Secretary of the Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Section 3413 and adopt Section 3413.1 in the California Code of Regulations (CCR), Title 15 concerning Expert Witness — Incompatible Activity.

#### PUBLIC HEARING

Date and Time: April 24, 2006, 10:00 a.m. to 11:00 a.m.

Place: Water Resources Auditorium  
1416 Ninth Street  
Sacramento, CA 95814

Purpose: To receive comments about this action.

#### PUBLIC COMMENT PERIOD

The public comment period will close April 24, 2006, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 358-2636; or by

e-mail at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

#### CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation  
P.O. Box 942883, Sacramento, CA 94283-0001  
Telephone (916) 358-1655**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Stephanie Winn  
Regulation and Policy Management Branch  
Telephone (916) 358-1655**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Debra Asbrook  
Law Enforcement and Investigations Unit  
Telephone (916) 327-3268**

#### LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

#### FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would nec-

essarily incur in reasonable compliance with the proposed action.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

#### ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

#### CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action.

#### AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

## AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Effective on July 1, 2005, the Youth and Adult Correctional Agency (YACA), which consisted of the California Department of Corrections (CDC), the California Youth Authority (CYA), the Board of Prison Terms, the Board of Corrections, the Youth Authority Board, and the Narcotic Addict Evaluation Authority was abolished and reorganized into the Department of Corrections and Rehabilitation.

Government Code (GC) Section 12838(a) creates the Department of Corrections and Rehabilitation (CDCR), headed by a secretary.

GC Section 12838.5 vests to the CDCR, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished entities: YACA, CDC, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and State Commission on Juvenile Justice, Crime and Delinquency Prevention. The abolished entities are known as "predecessor entities."

GC Section 12838.8 authorizes that all regulations adopted by the predecessor entities, continuing entities, and any of their predecessors are expressly continued in force, and any statute, law, rule, or regulation now in force or that may hereafter be enacted or adopted with reference to the predecessor entities and any of their predecessors shall mean the CDCR.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

Penal Code (PC) Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5055 provides commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR except where those powers and duties are expressly vested by law in the Board of Parole Hearings.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340.

- This action clarifies the processes for notification and approval when an employee is subpoenaed as an expert witness for the purpose of eliciting testimony based upon expertise gained in the course of employment with the Department. Furthermore, this action adopts provisions regarding departmental compensation when any state employee who is obliged by such subpoena to attend as an expert witness.
- This regulation clarifies that employees of the Department shall not engage in any other employment or activity inconsistent or incompatible with employment by the Department. Any employee who has been identified, or requested to participate as an expert witness using expertise gained in the course of his or her duties with the department, shall notify in writing the Chief Deputy General Counsel of the Office of Legal Affairs.
- This regulation adopts language pursuant to Government Code (GC) Sections 68097.1, 68097.2(a) and (b) regarding compensation to which they are normally entitled from the Department during the time they travel to and from the place where the court or other tribunal is located, and while they are required to remain at that place pursuant to the subpoena. Additionally,

the employee shall also receive from the Department the actual necessary, and reasonable traveling expenses incurred by him or her in complying with the subpoena.

- Changes for enhanced clarity, including reference, grammatical corrections, and changes in punctuation are also made to meet departmental standards.

## TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on April 10, 2006.

The board will hold a public hearing starting at 1:30 p.m. on April 26, 2006 at the Red Lion Hotel, 1401 Arden Way, Sacramento, CA 95815, telephone (916) 922-8040. At the hearing any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The board requests, but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

The Board of Pharmacy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4005, 4075 and 4114 of the Business and Professions Code, and to implement, interpret or make specific Sections 4005, 4052, 4116 and 4117 of said Code, the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 4005 of the Business and Professions Code grants the Board of Pharmacy authority to adopt regulations relating to the practice of pharmacy.

Section 4022 of the Business and Professions Code defines the phrase “dangerous drug.”

Section 4037 of the Business and Professions Code defines the word “pharmacy” in Pharmacy Law.

Section 4052 of the Business and Professions Code describes the range of activities in which a pharmacist may engage.

Section 4116 and 4117 of the Business and Professions Code limits the access of controlled substances and other dangerous drugs in a pharmacy to specified individuals including pharmacists and pharmacy interns. It authorizes the board to establish security standards for pharmacies.

Section 4125 of the Business and Professions Code describes a pharmacy assurance program as a program that will document medication errors attributable, in whole or in part, to the pharmacy or its personnel. The purpose of the quality assurance program is to assess errors that occur in the pharmacy in dispensing or furnishing prescription medications so that the pharmacy may take appropriate action to prevent a recurrence.

Division 17, Title 16 of the California Code of Regulations, section 1717 describes the practice of pharmacy with regard to receiving and filling prescriptions and the dispensing of medications.

This proposed regulation will permit the use of prescription drop-off boxes and automated, self-services delivery devices. The regulation authorizes a patient to deposit a prescription in a secure container that is at the same address as the licensed premises. The pharmacy is responsible for the security and confidentiality of prescription documents deposited into the container.

The regulation will also allow a patient to access his or her filled prescription medication from a self-services automated delivery device in a pharmacy under the following specified conditions:

- The automated delivery device is used to deliver refill prescription medication only.
- It is the patient’s choice to use the automated delivery device.
- The device has a means to identify each patient and only release that patient’s prescription medications.
- The pharmacy provides a means for each patient to obtain an immediate telephone or in-person consultation with a pharmacist if requested by the patient.
- The automated delivery device is located adjacent to the licensed pharmacy counter.
- The device is secure from access and removal by unauthorized individuals.
- The pharmacy must review every incident involving the device where a complaint, delivery error, or omission has occurred as part of the



pharmacy's quality assurance program mandated by Business and Professions Code section 4125.

- The pharmacy is responsible for the prescription medication stored in the automated delivery device.
- A pharmacist is not to use the automated delivery device to dispense refilled prescription medication if the pharmacist determines the patient requires counseling pursuant to Title 16 of the California Code of Regulations section 1707.2(a)(2).

#### 1. Add Section 1713

This section establishes requirements for the placement and use of secure prescription drop boxes and secure automated delivery devices. This section also contains some provisions currently contained in section 1717(e), which is otherwise being repealed.

#### 2. Repeal Section 1717(e)

This provision is being repealed and certain of its contents dealing with the delivery of medication to patients at specific locations has been incorporated into section 1713.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The proposed regulation does not mandate the use of drop-off boxes or automated delivery devices; it permits the use of the devices for pharmacies that choose to use the technology.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The Board of Pharmacy has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation does not mandate the use of drop-off boxes or automated delivery devices; it permits the use of the devices for pharmacies that choose to use the technology. For pharmacies that choose to use a drop-off box or an automated delivery device, there will be initial short-term costs to purchase the equipment, install the equipment, and comply with the board's regulations. These costs may be offset by increases in pharmacy sales from customers who like the convenience of the machines. However, there may be no benefit to the pharmacy to use the devices if the patients do not "opt-in" to use them.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. Pharmacists typically do not consult patients on refill medication unless a patient ask questions or a pharmacist believes that the patient needs to be consulted about the refill medication. In the former case, patients are given a means to an immediate consultation with a pharmacist in person or via telephone. In the later case, the medication would not be placed in the delivery machine because the pharmacist wants to talk to the patient.

Cost Impact on Representative Private Person or Business: The Board of Pharmacy is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

### EFFECT ON SMALL BUSINESS

The proposed regulation does not mandate the use of automated delivery devices or drop off boxes; it permits the use of the equipment for pharmacies that choose to use the technology. Consequently, there will be no effect on small business.

### CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present written statements relevant to the above determinations to the Board of Pharmacy at the above-mentioned address or during the hearing.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Pharmacy at 1625 North Market Blvd, Suite N 219, Sacramento, CA 95834, or from the Board of Pharmacy Web site ([www.pharmacy.ca.gov](http://www.pharmacy.ca.gov)).

**AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

**CONTACT PERSON**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Jan E. Perez  
Address: 1625 North Market Blvd, Suite N 219  
Sacramento, CA 95834  
Telephone No.: (916) 574-7919  
Fax No.: (916) 574-8618  
E-Mail Address: [jan\\_perez@dca.ca.gov](mailto:jan_perez@dca.ca.gov)

The backup contact person is:

Name: Virginia Herold  
Address: 1625 North Market Blvd, Suite N 219  
Sacramento, CA 95834  
Telephone No.: (916) 574-7900  
Fax No.: (916) 574-8618  
E-Mail Address: [virginia\\_herold@dca.ca.gov](mailto:virginia_herold@dca.ca.gov)

Web site Access: Materials regarding this proposal can be found at [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov).

**TITLE 20. ENERGY COMMISSION**

Rulemaking on Appliance Efficiency Regulations  
Docket No. 06-AAER-1

**NOTICE OF PROPOSED ACTION  
(NOPA)**

RE: Proposed Amendments to  
Appliance Efficiency Regulations

**California Code of Regulations, Title 20, Sections  
1601 – 1608**

**Notice of Proposed Action**

**INTRODUCTION**

The California Energy Commission (“Energy Commission”) proposes to amend its appliance efficiency regulations. These amendments include delaying the effective dates for the minimum efficiency standards of single voltage external power supplies and digital television adapters, amending the scope for single voltage external power supplies by excluding specified medical devices, removing the requirement for single voltage external power supplies to meet the minimum efficiency requirements at 230 volts@50 Hz (where applicable), and clarifying the marking requirements for power supplies.

**PUBLIC HEARINGS**

The Energy Commission will hold two public hearings on the proposed amendments. First, the Energy Commission’s Efficiency Committee (Vice Chair Jackalynne Pfannenstiel, Presiding Member) will hold a hearing:

**MONDAY, MARCH 27, 2006**

10 a.m.  
CALIFORNIA ENERGY COMMISSION  
1516 Ninth Street  
First Floor, Hearing Room A  
Sacramento, California  
(Wheelchair Accessible)

Second, the full Energy Commission will consider adopting the proposed amendments at a hearing:

**WEDNESDAY, APRIL 12, 2006**

10 a.m.  
CALIFORNIA ENERGY COMMISSION  
1516 Ninth Street  
First Floor, Hearing Room A  
Sacramento, California  
(Wheelchair accessible)

Audio for the March 27 Committee Hearing and the April 12 adoption hearing will be broadcast over the internet. For details, please go to [www.energy.ca.gov/webcast/](http://www.energy.ca.gov/webcast/). If you have a disability and require assistance to participate in these hearings, please contact Lou Quiroz at (916)654-5146 at least 5 days in advance.

At the hearings any person may present written or oral comments on the proposed amendments.

## WRITTEN COMMENTS

Any interested person may submit written comments on the proposed amendments. Regarding the hearing, the Commission appreciates receiving written comments at the earliest possible date: for the March 27 hearing, please provide written comments by March 20, 2006; for the April 12 hearing, please provide written comments by April 5, 2006. However, written comments will still be accepted at the hearing itself. In addition, written comments will be considered if they are received by 10:00 a.m. on April 12, 2006 at the Commission's Docket Unit. Written comments shall be emailed to [Docket@energy.state.ca.us](mailto:Docket@energy.state.ca.us) or mailed or delivered to the following address (emailing is preferred):

California Energy Commission  
Docket No. 06-AAER-1  
Docket Unit  
1516 Ninth Street, Mail Station 4  
Sacramento, California 95814-5504

All written comments must indicate "Docket No. 06-AAER-1." When comments are emailed on behalf of an organization, the comments should be a scanned copy of the original on the organization's letterhead and include a signature of an authorized representative.

## AUTHORITY AND REFERENCE

The Energy Commission proposes to adopt the amendments under the authority of Public Resources Code Sections 25213, 25218(e), and 25402(a)-(c). The proposed amendments implement, interpret, and make specific Public Resources Code Sections 25402(a)-(c).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law [Public Resources Code Section, 25402(c)] requires the Energy Commission to adopt regulations that prescribe minimum efficiency levels for appliances. The Energy Commission first adopted appliance regulations in 1976 and has periodically revised them since then. The current regulations include provisions for the testing of appliances to determine their efficiency, reporting of data by manufacturers to the Energy Commission, standards establishing mandatory efficiency levels, and compliance and enforcement procedures, as well as general provisions on the scope of the regulations and definitions.

In the rulemaking proceeding that is the subject of this Notice of Proposed Action ("NOPA"), the Energy Commission is proposing to amend the current efficien-

cy standards to extend the effective dates for external power supplies by 6 months and the effective date for digital television adapters by 12 months, amend the scope of single voltage external power supplies to exclude specified medical devices, remove the requirement for single voltage external power supplies to meet the minimum efficiency requirements at 230 volts@50 Hz (where applicable), and clarifying the marking requirements for power supplies.

## LIST OF DOCUMENTS INCORPORATED BY REFERENCE

None

## FEDERAL LAW

The proposed amendments do not conflict with federal law.

The proposed amendments are not mandated by federal law.

There are extensive federal regulations on appliance efficiency. (See 42 U.S.C. Section 6291 et seq.; 10 CFR Parts 430, 441.) The proposed amendments deal with appliances that are not covered by the federal regulations.

## STATUTORY REQUIREMENTS

California law requires that the Energy Commission's appliance efficiency standards (1) apply to appliances that use a significant amount of energy on a statewide basis, (2) be based on feasible and attainable efficiencies or feasible improved efficiencies, and (3) be cost-effective based on a reasonable use pattern (i.e., not result in added total costs to the consumer, considering both any increased costs of the efficiency improvement and the reduced utility bill costs resulting from the improved efficiency, over the design life of the appliance). [Public Resources Code Section 25402(c)(1).]

## LOCAL MANDATE

The proposed amendments will not impose a mandate on state or local agencies or districts.

## ECONOMIC AND FISCAL IMPACTS

The Energy Commission has made the following initial determinations.

### *Fiscal Impact*

Costs Requiring Reimbursement. The proposed amendments will not impose on local agencies or

school districts any costs for which Government Code sections 17500 – 17630 require reimbursement.

**Other Non-Discretionary Costs or Savings for Local Agencies.** Local agencies that purchase appliances subject to efficiency standards sometimes have to pay increased purchase costs for those appliances. However, those costs are always recovered by reductions in natural gas and electricity bills. In this rulemaking, however, none of the proposed amendments will result in increased purchase costs.

**Costs or Savings for State Agencies.** State agencies that purchase appliances subject to efficiency standards sometimes have to pay increased purchase costs for those appliances. However, those costs are always recovered by reductions in natural gas and electricity bills. In this rulemaking, however, none of the proposed amendments will result in increased purchase costs.

**Cost or Savings in Federal Funding to the State.** The proposed amendments will not result in any costs or savings in federal funding to the state.

#### ***Effect on Housing Costs***

There will be no effect on housing costs.

#### ***Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States***

The Energy Commission has made an initial determination that there will be no significant (or insignificant) statewide adverse economic, fiscal, or environmental impact directly affecting businesses, including small businesses, as a result of the proposed amendments, including the ability of California businesses to compete with businesses in other states.

Nevertheless, the Energy Commission invites interested persons to submit alternative proposals to lessen any adverse economic impact on business that might exist, which may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements, or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

#### ***Impacts on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California***

The proposed amendments will have no impact on the creation or elimination of jobs within the State, the

creation of new businesses or the elimination of existing businesses, or the expansion of businesses in California.

#### ***Cost Impacts on Representative Person or Business***

Businesses and individuals that purchase appliances subject to efficiency standards sometimes have to pay increased purchase costs for those appliances. However, those costs are always more than made up by reductions in natural gas and electricity bills. Therefore, the Commission is not aware of any cost impacts that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action.

#### ***Small Business***

Like all businesses, small businesses benefit from appliance regulations. Small businesses that purchase appliances subject to efficiency standards sometimes have to pay increased purchase costs for those appliances. However, those costs are always more than made up by reductions in natural gas and electricity bills. In this rulemaking, however, none of the proposed amendments will result in increased purchase costs.

### ALTERNATIVES

Before it adopts the proposed amendments, the Energy Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected private persons than the proposed amendments. To date, the Energy Commission has found no alternatives to the proposed action that would be more effective, or as effective and less burdensome.

### DESIGNATED CONTACT PERSONS

Please contact the following person, preferably by e-mail, for general information about the proceeding or to obtain any document relevant to the proceeding, including the Express Terms, the Initial Statement of Reasons, the Form 399, and any other document in the rulemaking file:

Linda Franklin  
California Energy Commission  
1516 Ninth Street, Mail Station 25  
Sacramento, California 95814-5512  
Telephone: 916-654-4064 Fax: 916-654-4304  
E-mail: [LFrankli@energy.state.ca.us](mailto:LFrankli@energy.state.ca.us)

Please contact the following person, preferably by e-mail, for substantive questions:



Jim Holland  
California Energy Commission  
1516 Ninth Street, Mail Station 25  
Sacramento, California 95814-5512  
Telephone: 916-654-4091  
Fax: 916-654-4304  
E-mail: [JHolland@energy.state.ca.us](mailto:JHolland@energy.state.ca.us)

The backup contact person for substantive questions is:

Gary Flamm  
California Energy Commission  
1516 Ninth Street, Mail Station 25  
Sacramento, California 95814-5512  
Telephone: 916-654-2817  
Fax: 916-654-4304  
E-mail: [Gflamm@energy.state.ca.us](mailto:Gflamm@energy.state.ca.us)

Mr. Flamm and Mr. Holland also can assist in obtaining documents and in answering general questions.

#### PUBLIC ADVISER

The Energy Commission's Public Advisor, Margaret J. Kim, provides public assistance in participating in Energy Commission activities. If you would like information on how to participate in this proceeding, please contact the Public Advisor's Office by phone at (916) 654-4489 or toll free at (800) 822-6228, by FAX at (916) 654-4493, or by email at [pao@energy.state.ca.us](mailto:pao@energy.state.ca.us).

News media inquiries should be directed to Claudia Chandler, Assistant Executive Director, at (916) 654-4989.

#### AVAILABILITY OF THE TEXT OF THE PROPOSED AMENDMENTS (EXPRESS TERMS), THE INITIAL STATEMENT OF REASONS (ISOR), AND THE INFORMATION UPON WHICH THE PROPOSAL IS BASED (RULEMAKING FILE)

The first action to take to obtain documents in this rulemaking proceeding is to visit the Energy Commission's appliance website, [www.energy.ca.gov/appliances](http://www.energy.ca.gov/appliances). The website will have all of the documents prepared by the Energy Commission, including the Express Terms of the proposed amendments (written in plain English and set forth in a format that indicates both the existing text and the proposed text), the Initial Statement of Reasons, and all documents relied upon by the Commission, as well as most of the other documents in the rulemaking file.

The Express Terms and the Initial Statement of Reasons are also available at no cost from the contact person, Linda Franklin (see above).

The Energy Commission's Docket Office has available all of the documents in the rulemaking file; for copies, please contact:

Docket Office  
California Energy Commission  
1516 Ninth Street, MS 4  
Sacramento, California 95814-5504  
916-654-5076

#### AVAILABILITY OF MODIFIED AMENDMENTS (15-DAY LANGUAGE)

At the April 12, 2006 adoption hearing, the Energy Commission may adopt the proposed amendments substantially as described in this notice. If modifications are made, and they are sufficiently related to the originally-proposed amendments, the full modified text with changes clearly indicated will be made available to the public at least 15 days before the Energy Commission adopts the amendments. A notice of the availability of any such text will be placed on the Energy Commission's website and will be mailed to all persons to whom this notice is being mailed, who submitted written or oral comments at any hearing, who submitted written comments during the public comment period, or who requested to receive such modifications. In addition, copies may be requested from the contact person named above and from the Docket Office. The Energy Commission will accept written comments on any such modified text for at least 15 days after the text is made available to the public. Adoption of the 15-Day language will be considered at a public hearing scheduled in the notice of availability.

#### FINAL STATEMENT OF REASONS

The Energy Commission will prepare a Final Statement of Reasons on the amendments, responding to all relevant comments made during the proceeding. The Final Statement of Reasons will be available from the contact person named above and from the Docket Office, and will be posted on the Energy Commission's website.

#### INTERNET ACCESS

Documents prepared by the Energy Commission for this rulemaking, including this NOPA, the Express Terms, the ISOR, and most other documents in the rulemaking file, will be posted on the Energy Commission's website, <http://www.energy.ca.gov/appliances>.

Note: The California Energy Commission's formal name is the State Energy Resources Conservation and Development Commission.

**GENERAL PUBLIC INTEREST**

**CALIFORNIA FISH AND GAME  
COMMISSION**

**NOTICE OF FINDINGS**

Baker's larkspur  
(*Delphinium bakeri*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2075.5 of the Fish and Game Code, the California Fish and Game Commission, at its February 3, 2006, meeting in Sacramento, made a finding that the petitioned action to uplist the Baker's larkspur (*Delphinium bakeri*) from rare to endangered is warranted.

NOTICE IS ALSO GIVEN that the Commission proposes to amend Section 670.2, Title 14, California Code of Regulations, to add the Baker's larkspur (*Delphinium bakeri*) to the list of endangered plants.

NOTICE IS FURTHER GIVEN that, any person interested may present statements orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, Madison Street at Pacific Street (Across from 399 Madison Street), Monterey, California, on April 7, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before Thursday, March 30, 2006, to the Fish and Game Commission office at 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090, or by fax at (916) 653-5040, or by e-mail to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov), but they must be received no later than April 7, 2006, at the hearing in Monterey, CA. All written comments must include the true name and mailing address of the commentor.

**DECISION NOT TO PROCEED**

**BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS**

**NOTICE OF DECISION NOT TO PROCEED  
WITH RULEMAKING ACTION**

The Board of Vocational Nursing and Psychiatric Technicians has decided not to proceed with its rule-

making action described in the Notice published in the California Regulatory Notice Register on March 11, 2005, OAL File # Z-05-0301-03, concerning Title 16, Vocational Nursing Rules and Regulations, sections 2518.6, 2520.4, 2520.5, 2523, 2523.1, 2523.2, 2523.4, 2523.5, and 2523.6; and Psychiatric Technician Rules and Regulations, sections 2576.6, 2577.5, 2577.6, 2579.2, 2579.3, 2579.4, 2579.6, 2579.7, and 2579.8.

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES  
February 24, 2006**

**Availability of Hazard Identification Materials  
for Environmental Tobacco Smoke  
and Announcement of The  
Developmental and Reproductive Toxicant  
Identification Committee Meeting**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup> (Proposition 65). The Developmental and Reproductive Toxicant (DART) Identification Committee of OEHHA's Science Advisory Board advises and assists OEHHA in compiling the list of chemicals known to the State to cause reproductive toxicity as required by Health and Safety Code section 25249.8. The Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity (Title 22, Cal. Code of Regs., section 12305(b)(1)).

Environmental tobacco smoke (ETS) was considered by the DART Committee at a meeting held on May 12, 1995. At that time, the Committee concluded that envi-

<sup>1</sup> Health and Safety Code section 25249.5 et seq.

ronmental tobacco smoke had not been clearly shown to cause reproductive or developmental toxicity. Since the Committee considered ETS in 1995, a substantial number of additional studies of its potential developmental and reproductive toxicity have been completed and published. Subsequent to the meeting on May 12, 1995, members of the Committee have requested that environmental tobacco smoke be brought back to the Committee for reconsideration.

OEHHA has recently completed development of a health effects assessment of ETS as part of its Toxic Air Contaminant program.<sup>2</sup> Additional information concerning OEHHA's air program can be found at: <http://www.oehha.ca.gov/air.html>. The OEHHA document "Health Effects Assessment for Environmental Tobacco Smoke" was finalized September 30, 2005 and made available to the public. This document is being provided to the Committee. Information on the developmental and reproductive toxicity of ETS is contained in Chapters 3–5. In addition, the Committee will also be provided the 1997 OEHHA document "Health Effects of Exposure to Environmental Tobacco Smoke." This document describes in detail epidemiological studies published prior to 1996, in Chapters 3–5.

The following describes the process used to develop the ETS document. ETS entered the Toxic Air Contaminant identification program in June 2001. A data call-in letter requesting pertinent information on the atmospheric chemistry, sources, total exposure and adverse health effects of ETS was distributed to interested parties on June 11, 2001. In December 2003, the draft OEHHA report "Health Effects Assessment for Environmental Tobacco Smoke," was published as Part B in the draft document "Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant." In addition to the Part B (health assessment), the Proposed Identification document included the Executive Summary, and Part A (exposure assessment). The entire Proposed Identification document was released to the public for a three-month comment period. In March 2004, a public workshop was held to discuss the report. The report was revised following public comment and then underwent review by the State's Scientific Review Panel (SRP) on Toxic Air Contaminants. On November 30, 2004, the SRP held a meeting to discuss the report and the comments received on the draft report. The meeting was continued on January 6, 2005 and on March 14, 2005. The draft document was revised in response to comments after each meeting. On June 24, 2005, at the fourth SRP meeting on the report, the SRP approved the OEHHA report, subject to minor changes. The full Proposed Identification document,

including the OEHHA Health Effects Assessment was finalized on September 30, 2005.

OEHHA announces the availability of the hazard identification materials on the developmental and reproductive toxicity of environmental tobacco smoke. These materials include the OEHHA 2005 and 1997 ETS health effects assessments and a compilation of abstracts of scientific articles on the developmental and reproductive toxicity of ETS published after the 2005 report was completed. Copies of these materials are available from the Proposition 65 Implementation Office and may be requested by calling (916) 445-6900. They are also available through the Internet at the following address: <http://www.oehha.ca.gov/>.

This notice also marks the beginning of a 60-day public comment period on these hazard identification materials. Comments should be submitted in triplicate and directed to:

Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
Proposition 65 Implementation  
P.O. Box 4010  
1001 I Street, 19th floor  
Sacramento, California 95812-4010  
FAX (916) 323-8803

**Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Tuesday, April 25, 2006.**

OEHHA will organize and index the comments received and forward the information to the DART Identification Committee members prior to the meeting at which ETS will be considered.

The next meeting of the DART Identification Committee is scheduled for **Wednesday, May 24, 2006**. The meeting will be held at the California Environmental Protection Agency Headquarters Building, Coastal Hearing Room, at 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the May 24, 2006 meeting.

Documents:

OEHHA (2005). Health Effects Assessment for Environmental Tobacco Smoke, as approved by the Scientific Review Panel, June 24, 2005, available at [ftp://ftp.arb.ca.gov/carbis/regact/ets2006/app3part%20b.pdf](http://ftp.arb.ca.gov/carbis/regact/ets2006/app3part%20b.pdf)

<sup>2</sup> Health and Safety Code section 39606

OEHHA (2006). Environmental Tobacco Smoke: Abstracts of DART Studies Published After Completion of the 2005 OEHHA Review, February 2006, available at <http://www.oehha.ca.gov/prop65.html>.

OEHHA. (1997). Health Effects of Exposure to Environmental Tobacco Smoke, available at [http://www.oehha.ca.gov/air/environmental\\_tobacco/finalets.html#download](http://www.oehha.ca.gov/air/environmental_tobacco/finalets.html#download)

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### AIR RESOURCES BOARD

##### Heavy Duty On Board Diagnostic

Air Resources Board (ARB) proposes adoption of Title 13 CCR section 1971.1 to establish requirements for on-board diagnostic (OBD) systems for 2010 and subsequent year heavy-duty engines and vehicles produced for sale in California to monitor engine exhaust emissions in this class of vehicle. Heavy-duty vehicles have a gross vehicle weight rating greater than 14,000 pounds. This regulation is needed to assure compliance with more stringent emissions standards already adopted and being phased in from 2007 to 2010, and to assure compliance with these standards throughout the life of the engine. Heavy-duty engine manufacturers must begin to comply with heavy-duty OBD requirements on a limited portion of their product line by 2010. The requirements will be phased in over the subsequent six model years for all engine families and engine ratings, except for alternate-fueled vehicles, for which full compliance will not be required until the 2020 model year. OBD system requirements take advantage of electronic sensors on existing heavy-duty engines. ARB estimates the OBD requirements will increase the retail price of heavy-duty engines by \$132.00, representing less than a two percent increase in cost of a heavy-duty engine.

#### Title 13

California Code of Regulations

ADOPT: 1971.1

Filed 02/15/06

Effective 03/17/06

Agency Contact: Alexa Malik (916) 322-4011

#### BOARD OF EQUALIZATION

##### Cigarette tax stamp orders

This regulatory action deals with the ordering and purchasing of cigarette tax stamps and meter register settings through stamp orders submitted to the Board, the unit of stamp sales, the application to register individuals authorized to order cigarette tax stamps on behalf of a distributor, and the application and payment for credit purchases.

#### Title 18

California Code of Regulations

AMEND: 4055, 4056, 4057, 4058, 4059, 4060, 4061

Filed 02/09/06

Effective 03/11/06

Agency Contact:

Chelsea C. Carlock (916) 322-3084

#### CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

##### Revisions to Waste Tire Hauler Regulations (Comprehensive Trip Log)

This emergency regulatory action retains in place the comprehensive trip log requirements for waste and used tire haulers, retreaders and generators. (Previous OAL file #05-1011-04EE)

#### Title 14

California Code of Regulations

ADOPT: 18459.1.2, Forms 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18457, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1&2

Filed 02/09/06

Effective 02/09/06

Agency Contact: Wendy Breckon (916) 341-6068

#### COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

##### Obsolete Reimbursement Regulations

In the 1990's POST provided funds for eligible law enforcement agencies to apply for reimbursement for the cost of purchasing a satellite system or upgrades to an existing satellite system (11 CCR §1020). They also authorized reimbursement for the purchase of Interactive Videodisc Delivery systems (11 CCR §1021). This regulation was modified in 1998 to switch to computer



based multimedia systems. Many law enforcement agencies were able to purchase multimedia computers using this program. POST has been unable to fund this program for many years due to budget constraints, but agencies managed to purchase multimedia computer systems on their own. These systems were used for POST training via satellite or in house using videodiscs. In 2003 POST discontinued satellite broadcasts and announced the movement to DVD based training. Currently POST is planning to discontinue DVD training and move to Internet based training. In light of these facts POST has determined that these reimbursement regulations are obsolete. They are amending §§1001 and 1015 and repealing §§1020 and 1021.

Title 11  
California Code of Regulations  
AMEND: 1001, 1015 REPEAL: 1020, 1021  
Filed 02/09/06  
Effective 03/11/06  
Agency Contact: Patricia Cassidy (916) 227-4847

**DEPARTMENT OF CONSERVATION**  
**AR 1763 Reporting Deadline Proposed Permanent Regulations**

This action is a change without regulatory effect implementing statutory changes in beverage distributor reporting deadlines mandated by AB 1763 (Chap. 202, Stats. 2005).

Title 14  
California Code of Regulations  
AMEND: 2310  
Filed 02/08/06  
Effective 02/08/06  
Agency Contact: Eloisa Fernandez (916) 327-2757

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

**Lake Tahoe Region Exemption Emergency Rule, 2005**

This regulatory action is the second readoption of an emergency file which amends Title 14, section 1038 and related sections in order to exempt Timber Harvesting Plan filing requirements of the Forest Practice Act when harvesting live trees in a watercourse and lake protection zone (WLPZ) in the Lake Tahoe region for the purpose of reducing fire hazards.

Title 14  
California Code of Regulations  
AMEND: 895, 895.1, 1038, 1038(f)  
Filed 02/10/06  
Effective 02/10/06  
Agency Contact:  
Christopher Jimmy (916) 653-9418

**DEPARTMENT OF INDUSTRIAL RELATIONS**  
**Claims Handling and TPA Licensing and Exam Fees**

This regulatory action revises requirements for estimating future liabilities of workers' compensation claims for self-insured employers, address audit site locations, establish requirements for the transfer of claims records and the claim file contents, revise license and application fees related to administration of these claims, and make related changes.

Title 8  
California Code of Regulations  
AMEND: 15201, 15300, 15400, 15400.2, 15402.4, 15450.1, 15452, 15454, 15463  
Filed 02/09/06  
Effective 03/11/06  
Agency Contact: Mark Johnson (916) 483-3392

**DEPARTMENT OF MOTOR VEHICLES**  
**Surety Bond Requirements**

In this regulatory action, the Department of Motor Vehicles (DMV) implements various statutes under DMV's jurisdiction requiring surety bonds and also implements various statutes providing for the appointment of the Director of DMV as agent for service of process.

Title 13  
California Code of Regulations  
ADOPT: 152.00, 190.03, 268.10, 268.12, 280.12, 285.06, 292.06, 340.13 AMEND: 330.08, 345.65  
REPEAL: 330.10, 345.67  
Filed 02/14/06  
Effective 03/16/06  
Agency Contact: Christie Patrick (916) 657-5567

**DEPARTMENT OF SOCIAL SERVICES**  
**Food Stamp Eligibility for Former Drug Felons**

This regulatory action amends the MPP to extend food stamp benefits to individuals convicted of felony drug offenses for the use or possession of a controlled substance. The amendments describe the conditions of eligibility for drug felons to obtain benefits and list a number of other felony drug offenses that disqualify an individual from the benefits.

Title MPP  
California Code of Regulations  
AMEND: 63-103.2, 63-300.5, 63-402.229, 63-503.441, 63-509(b), 63-509(c), 63-801.737(QR)  
Filed 02/10/06  
Effective 02/10/06  
Agency Contact: Alison Garcia (916) 657-2586

**DIVISION OF APPRENTICESHIP STANDARDS**  
**Electrician Certification**

This action supplements and updates the regulations on electrician certification to better define terms, specify the procedure, documentation requirements, availability of testing in foreign languages, and time limits for processing applications for certification, and rules for the operation of a program of registration of electrician trainees including fees, the requirement for enrollment in an approved curriculum of instruction, work supervision, and related appeal rights.

**Title 8**

**California Code of Regulations**

ADOPT: 296.0, 296.1, 296.2, 296.3, 296.4

AMEND: 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 295.0

Filed 02/09/06

Effective 03/11/06

Agency Contact: Bryan Goyette (415) 355-5475

**MANAGED RISK MEDICAL INSURANCE BOARD**

**National School Lunch Express Enrollment**

This regulatory action implements Senate Bill 1196 (Chapter 729, Statutes of 2004) which directed the Managed Risk Medical Insurance Board to accept, process, and determine eligibility for the Healthy Families Program (HFP) using the National School Lunch Program (NSLP) Health Coverage Applications and supplemental forms. Pursuant to subsection (c) of section 12693.75 of the Insurance Code, the adoption of this regulatory action is deemed an emergency, exempt from review by the Office of Administrative Law, and shall remain in effect for not more than 180 days unless readopted.

**Title 10**

**California Code of Regulations**

AMEND: 2699.6600

Filed 02/09/06

Effective 02/09/06

Agency Contact:

Donald G. Minnich (916) 327-7978

**PUBLIC EMPLOYMENT RELATIONS BOARD**

**Conflict of Interest Code**

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

**Title 8**

**California Code of Regulations**

AMEND : 31100

Filed 02/14/06

Effective 03/16/06

Agency Contact: Les Chisholm (916) 327-8383

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN SEPTEMBER 14, 2005 TO  
 FEBRUARY 15, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

12/29/05 AMEND: 1038

**Title 2**

01/30/06 AMEND: Div. 8, Ch. 103, Sec. 59150

01/24/06 REPEAL: 649.23, 649.25, 649.26, 649.27

01/23/06 AMEND: 18351

01/20/06 AMEND: 1897

01/17/06 AMEND: Div. 8, Ch. 64, Sec. 55300

01/17/06 ADOPT: 560 REPEAL: 560

12/29/05 AMEND: 18329.5, 18701, 18751

12/21/05 AMEND: 599.960, 599.961

12/20/05 AMEND: 18700, 18707, 18708

12/12/05 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80

11/16/05 AMEND: 1181

11/07/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328,

11/07/05 AMEND: 20107

10/31/05 AMEND: 1859.2, 1859.81, 1866

10/27/05 AMEND: 1859.2, 1859.51, 1859.104.3, 1859.147, 1859.202, 1866, Form SAB 50-01

10/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1

10/18/05 ADOPT: 18732.5

10/11/05	ADOPT: 18117, 18772	510, 513, 514, 520, 552, 530, 531, 533
10/11/05	AMEND: 18450.4	REPEAL: 521
10/11/05	AMEND: 18401, 18427.1, 18700, 18705, 18707.9, 18730, 18750	11/23/05 AMEND: 4083
10/06/05	ADOPT: 18735.5	11/01/05 ADOPT: 10300, 10302, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10335, 10337
09/23/05	ADOPT: 2280, 2281, 2282, 2283, 2284	10/27/05 ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050 AMEND: 7047, 7048 REPEAL: 7049
09/15/05	AMEND: Div. 8, Ch. 71, Sec. 56000	10/27/05 ADOPT: 9001, 9005, 9006, 9007, 9025, 9027, 9050, 9051, 9052, 9053, 9054, 9055, 9056, 9057, 9058, 9059, 9060, 9061, 9062, 9063, 9064, 9065, 9066, 9067, 9068, 9069, 9070 AMEND: 9020, 9030, 9031, 9032, 9041, 9043

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02/07/06 AMEND: 6502  
 02/02/06 AMEND: 3700(c)  
 01/12/06 AMEND: 6393, 6394, 6395, 6396  
 12/28/05 AMEND: 3406(b)  
 12/28/05 ADOPT: 6576, 6950  
 12/15/05 AMEND: 6400  
 12/13/05 AMEND: 3700(c)  
 12/01/05 AMEND: 3700(c)  
 11/23/05 AMEND: 3406(b)  
 10/25/05 AMEND: 3406(b)  
 10/24/05 AMEND: 3433(b)  
 10/20/05 AMEND: 3591.19(a)  
 10/19/05 AMEND: 3406(b)  
 10/18/05 ADOPT: 3591.18  
 10/17/05 AMEND: 3406(b)  
 10/07/05 AMEND: 3406(b)  
 10/07/05 ADOPT: 6551  
 10/04/05 ADOPT: 3963  
 10/03/05 AMEND: 3433  
 09/28/05 ADOPT: 3591.19  
 09/27/05 AMEND: 3700(c)  
 09/16/05 ADOPT: 581

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01/25/06 ADOPT: 12002, 12004, Appendix A AMEND: 12100, 12200, 12220, 12300  
 01/20/06 ADOPT: 1843.6  
 01/09/06 ADOPT: 1902.5  
 01/09/06 ADOPT: 1690.1  
 12/29/05 AMEND: 8070, 8071, 8072, 8073, 8074, 8076  
 12/21/05 ADOPT: 12359  
 12/14/05 AMEND: 7075, 7082, 7084, 7092, 7093, 7094, 7098  
 12/05/05 AMEND: 1977  
 12/05/05 REPEAL: 1959.5, 1959.6, 1959.7, 1959.8, 1976.5, 1976.7  
 11/28/05 ADOPT: 7075, 7076, 7077, 7078, 7079, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099 REPEAL: 7000, 7001, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.  
 11/28/05 ADOPT: 503, 512, 515, 516, 517, 518, 519, 523, 524 AMEND: 500, 501, 502,

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01/19/06 ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7  
 12/29/05 ADOPT: 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687 AMEND: 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4633, 4640, 4650, 4651, 4660, 4662, 4663, 4664, 4665, 4670, 4910 REPEAL: 4661, 4671  
 12/12/05 ADOPT: 80033.2  
 12/07/05 AMEND: 43810  
 12/06/05 ADOPT: 11963.5 AMEND: 11704, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6  
 11/17/05 AMEND: 41301 REPEAL: 41303, 41304  
 11/15/05 AMEND: 6111  
 11/10/05 AMEND: 19826.1  
 10/19/05 AMEND: 11900, 11905, 11915, 11920, 11925, 11930, 11935  
 10/14/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110  
 10/14/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110  
 10/11/05 ADOPT: 19850, 19851, 19852, 19853, 19854 AMEND: 19814, 19814.1  
 10/11/05 ADOPT: 18220.2, 18224.2, 18224.4, 18240.5, 18249 AMEND: 18220, 18240, 18248, 18244  
 09/28/05 AMEND: 50500

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02/14/06 AMEND: 31100

02/09/06 ADOPT: 296.0, 296.1, 2.96.2, 296.3, 296.4 AMEND: 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 295.0  
 02/09/06 AMEND: 15201, 15300, 15400, 15400.2, 15402.4, 15450.1, 15452, 15454, 15463  
 01/27/06 AMEND: 100, 102  
 01/27/06 AMEND: 1518  
 01/25/06 AMEND: 1635  
 12/20/05 AMEND: 3395  
 12/14/05 AMEND: 6632(f)  
 12/13/05 AMEND: 20299  
 12/05/05 AMEND: 4650  
 11/22/05 ADOPT: 13694  
 11/22/05 ADOPT: 13680, 13681, 13682, 13683, 13684, 13685, 13686, 13687, 13688, 13689, 13690, 13691, 13692, 13693  
 09/29/05 AMEND: 9789.11  
 09/22/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10 REPEAL: 9792.11

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01/23/06 AMEND: 3400  
 01/19/06 AMEND: 400  
 12/30/05 ADOPT: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415

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02/09/06 AMEND: 2699.6600  
 01/31/06 ADOPT: 310.100.4, 310.114.4 AMEND 310.101  
 01/25/06 ADOPT: 2025, 2026, 2027, 2028, 2029, 2030  
 01/23/06 AMEND: 2698.99  
 01/23/06 ADOPT: 2592, 2592.01, 2592.02, 2592.03, 2592.04, 2592.05, 2592.06, 2592.07, 2592.08, 2592.09, 2592.10, 2592.11, 2592.12, 2592.13, 2592.14  
 01/20/06 AMEND: 2498.6  
 12/28/05 AMEND: 2498.5  
 12/13/05 AMEND: 2312, 2312.5, 2315  
 11/23/05 AMEND: 260.210, 260.211, 1726, 1950.122, 2020  
 11/16/05 AMEND: 2699.6600, 2699.6809  
 11/15/05 AMEND: 2690.1  
 11/03/05 ADOPT: 2698.95.1, 2698.95.11, 2698.95.12, 2698.96, 2698.97, 9698.97.1, 2698.98, 2698.98.1 AMEND: 2698.95  
 10/20/05 AMEND: 2318.6, 2353.1, 2354

10/07/05 ADOPT: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42, 2698.43 REPEAL: Sections 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.  
 09/28/05 AMEND: 2498.4.9  
 09/28/05 AMEND: 260.121

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02/09/06 AMEND: 1001, 1015 REPEAL: 1020, 1021  
 01/31/06 ADOPT: 64.2  
 01/19/06 AMEND: 1005  
 01/11/06 ADOPT: 116.2  
 01/09/06 AMEND: 999.1, 999.2, 999.3, 999.4  
 12/22/05 AMEND: 1005, 1007, 1008, D-1, D-10, D-14  
 12/15/05 AMEND: 51.12  
 12/01/05 ADOPT: 116.1  
 11/22/05 ADOPT: 49.17  
 10/24/05 AMEND: 1070, 1081, 1082

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09/19/05 ADOPT: 460, 461

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02/15/06 ADOPT: 1971.1  
 02/14/06 ADOPT: 152.00, 190.03, 268.10, 268.12, 280.12, 285.06, 292.06, 340.13 AMEND: 330.08, 345.65 REPEAL: 330.10, 345.67  
 01/31/06 ADOPT: 2023, 2023.1, 2023.2, 2023.3, 2023.4 AMEND: 1956.1, 2020, 1021 REPEAL: 1956.2, 1956.3, 1950.4  
 01/30/06 AMEND: 77.05, 77.10, 77.15, 77.16, 77.17  
 01/18/06 AMEND: 553.70  
 01/13/06 AMEND: 2467, 2467.1  
 01/12/06 ADOPT: 1875  
 01/12/06 AMEND: 970  
 12/16/05 ADOPT: 253.02 AMEND: 345.16  
 12/07/05 ADOPT: 2425.1 AMEND: 2420, 2421, 2423, 2425, 2426, 2427, Incorporated Test Procedures  
 12/05/05 AMEND: 425.01  
 11/08/05 AMEND: 550, 551.11, 551.12  
 10/27/05 AMEND: 2453, 2455  
 10/18/05 AMEND: 28.18, 28.19, 28.20, 28.21, 28.22, 28.23  
 09/15/05 ADOPT: 1961.1 AMEND: 1900, 1961  
 09/15/05 AMEND: 1961(d)

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02/10/06 AMEND: 895, 895.1, 1038, 1038(f)



02/09/06 ADOPT: 18459.1.2, Forms 203, 204  
AMEND: 18449, 18450, 18451,  
18453.2, 18456, 18456.2.1, 18457,  
18459, 18459.1, 18459.2.1, 18459.3,  
18460.1, 18460.1.1, 18460.2, 18460.2.1,  
18461, 18462, 18463, 18464, 18466,  
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12/22/05 AMEND: 11900

12/19/05 ADOPT: 163.1 AMEND: 163, 164

12/06/05 ADOPT: 4970.02, 4970.03, 4970.04,  
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4970.09, 4970.10, 4970.11, 4970.12,  
4970.13, 4970.14, 4970.15, 4970.16,  
4970.17, 4970.18, 4970.19, 4970.20,  
4970.21 AMEND: 4970.00, 4970.01  
REPEAL: 4970.02, 4970.03, 4970.04,  
4970.05

12/02/05 AMEND: 18660.5, 18660.6, 18660.10,  
18660.20, 18660.21, 18660.22,  
18660.36, 18660.37

11/30/05 ADOPT: 957.11, 957.12 AMEND: 957

11/16/05 AMEND: 913.2 [933.2, 953.2], 913.11  
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11/09/05 ADOPT: 1038(i) AMEND: 1038.2,  
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11/02/05 AMEND: 632

11/01/05 ADOPT: 2.45, 251.9

10/31/05 AMEND: 180.1

10/26/05 AMEND: 2516

10/25/05 AMEND: 11900

10/24/05 AMEND: 1251, 1252, 1252.1, 1253,  
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10/18/05 ADOPT: 17939.1, 17939.2, 17939.3,  
17939.4, 17939.5 AMEND: 17930,  
17931, 17932, 17933, 17934, 17934.1,  
17934.3, 17934.5, 17935, 17935.1,  
17935.2, 17935.3, 17935.4, 17935.5,  
17935.55, 17935.6, 17936

10/13/05 AMEND: 699.5

10/13/05 AMEND: 895, 895.1, 1038, 1038(f)

10/12/05 ADOPT: 18459.1.2 AMEND: 18449,  
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18456.2.1, 18459, 18459.1, 18459.2.1,  
18459.3, 18460.1, 18460.1.1, 18460.2,  
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10/06/05 AMEND: 15000, 15001, 15002, 15003,  
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15060, 15060.5, 15061, 15062, 15063,  
15064, 15064.5, 15064.7, 15065, 15070,

09/30/05 AMEND: 502, 506

09/21/05 ADOPT: 18801.1, 18808.1, 18808.2,  
18808.3, 18808.4, 18808.5, 18808.6,  
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18809.4, 18809.5, 18809.6, 18809.7,  
18809.8, 18809.9, 18809.10, 18809.11,  
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09/20/05 AMEND: 13800

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01/25/06 AMEND: 3482

01/19/06 AMEND: 3370

01/17/06 AMEND: 3000, 3062, 3075, 3210

12/15/05 AMEND: 3335

12/05/05 AMEND: 3173.1

11/21/05 ADOPT: 3999.2

11/01/05 AMEND: 3287

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02/07/06 ADOPT: 1379.19

01/12/06 AMEND: 1313.01

01/05/06 AMEND: 1399.710

12/30/05 AMEND: 119.6, 120

12/30/05 AMEND: 1820, 1970.4, 1991, 1996

12/27/05 AMEND: 3005

12/15/05 ADOPT: 1399.454 AMEND: 1399.434,  
1399.436, 1399.450, 1399.451

12/13/05 AMEND: 3005

12/12/05 ADOPT: 26, 27, 28, 29, 30, 31, 32, 33, 34,  
35, 35.1 AMEND: 70, 98

12/02/05 ADOPT: 3067

11/30/05 AMEND: 2542, 2542.1, 2547, 2547.1

11/29/05 AMEND: 1397.61(f)

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11/18/05 AMEND: 1364.11

11/15/05 AMEND: 69, 75.5, 87.5, 89, 89.1, 95,  
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10/24/05 AMEND: 1399.50, 1399.52

10/20/05 AMEND: 1922.3

10/20/05 AMEND: 1870, 1870.1, 1874

10/18/05 AMEND: 1807.2, 1833, 1833.1, 1833.2,  
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10/11/05 AMEND: 7, 7.1, 9, 9.2, 11.5, 13  
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10/06/05 AMEND: 1016, 1017

10/05/05 AMEND: 1014, 1014.1

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11/10/05 AMEND: 54355, 56002, 56040

10/18/05 ADOPT: 30194.1, 30194.2 AMEND:  
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02/09/06 AMEND: 4055, 4056, 4057, 4058, 4059,  
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01/10/06 AMEND: 1S84  
 12/29/05 AMEND: 1620  
 12/27/05 ADOPT: 1823.4  
 12/09/05 ADOPT: 25106.5-11  
 10/04/05 AMEND: 1698

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01/12/06 AMEND: 79, 80  
 01/03/06 ADOPT: 1362, 1363.1, 1363.2, 1365.1, Appendix C AMEND: 1364, 1366, 1368.1, 1369, 1370, Appendix A, Appendix B REPEAL: 1363, 1365, 1368, 1368.5  
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02/02/06 AMEND: 97170, 97172, 97174, 97178, 97180, 97184, 97188, 97190, 97198  
 01/31/06 ADOPT: 66250.1, 66250.2  
 01/23/06 AMEND: 51510, 51510.1, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501  
 01/20/06 AMEND: 4448  
 01/17/06 AMEND: 14000  
 01/17/06 AMEND: 12000  
 12/30/05 ADOPT: 67384.1, 67384.2, 67384.3, 67384.4, 67384.5, 67384.6, 67384.7, 67384.8, 67384.9, 67384.10, 67384.11  
 12/27/05 ADOPT: 66262.44 AMEND: 66261.111, 66262.10  
 12/19/05 ADOPT: 66264.151 AMEND: 66264.115, 66264.120, 66264.143, 66264.145, 66264.147, 66265.115, 66265.120, 66265.143, 66265.145, 66265.147, 67450.13, 67450.30, 67450.49  
 11/10/05 ADOPT: 51000.6.1, 51000.10.1, 51000.15.1, 51000.20.1, 51000.24.1, 51000.25.1, 51000.25.2, 51000.31, 51000.32, 51000.51, 51000.52, 51000.53, 51000.55, 51000.60, 51051 AMEND: 51000.1, 51000.1.1, 51000.3, 51000.4, 51000.6, 51000.7, 51000.16, 51000.30, 51000  
 10/04/05 AMEND: 80072(a) (8), 85068.4  
 09/27/05 AMEND: 311-1  
 09/27/05 ADOPT: 4400(jj), 4403.1, 4446.5 AMEND: 4400(I), 4403, 4412.1, 4415, 4417

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 01/20/06 ADOPT: 3939.17  
 12/27/05 ADOPT: 3939.16  
 12/20/05 ADOPT: 3957  
 12/15/05 ADOPT: 3939.18  
 12/09/05 ADOPT: 3939.19  
 12/09/05 ADOPT: 3939.20  
 12/02/05 ADOPT: 3989.2  
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 11/28/05 ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37  
 10/21/05 AMEND: 1062, 1063, 1064, 1065, 1066, 1067, 1071, 1077, 3833.1 REPEAL: 793  
 10/13/05 ADOPT: 2200.6 AMEND: 2200  
 10/12/05 ADOPT: 3005  
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 10/03/05 AMEND: 3900  
 09/22/05 ADOPT: 18456.2.1, 18460.2.1, Forms CIWMB 173 (4/04), 180(3/04) AMEND: 18449, 18450, 18451, 18456, 18459, 18459.2.1, 18459.3, 18461, 18462

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02/07/06 AMEND: 1001  
 12/19/05 ADOPT: 11101, 13302 AMEND: 19200, 19201, 19202, 19203, 19204, 19205, 19206, 19207, 19300, 19301, 19400  
 12/07/05 AMEND: 1338.1 REPEAL: 1433.1  
 11/07/05 AMEND: 5002, 5020, 5021, 5340, 5348  
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01/13/06 ADOPT: 15241, 15242  
 11/17/05 AMEND: 21685  
 09/29/05 ADOPT: 20070, 21569, 21835  
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12/14/05 AMEND: 1300.75.4

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02/10/06 AMEND: 63-103.2, 63-300.5, 63-402.229, 63-503.441, 63-509(b), 63-509(c), 63-801.737(QR)  
 01/23/06 AMEND: 42-101  
 01/12/06 AMEND: 11-400, 11-402, 11-403, and 11-406  
 09/20/05 REPEAL: 11-405.22